

-
-

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18 of 2000

Between:

B.Raju, son of B.Chinnamuthyala, aged 38 years, r/o 18.296.40

Neerugunta Street,Ananthapur District.

..... PETITIONER

AND

1. The State Transport Appellate Tribunal, AP Hyderabad rep., by
Its Presiding Officer, City Civil Court Buildings, Hyderabad.
2. The Regional Transport Officer, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an writ , direction or order more particularly a Writ of Certiorari, calling for the records relating to the orders of the 1st respondent in Appeal No.8/99 dt.30-9-1999 holding it as illegal and arbitrary and quash the same and consequently direct the respondents to renew the permit No.PSP No.1/A2/94 beyond 2.1.1999 and to pass such other orders.

Counsel for the Petitioner: MR.JOHN RAJENDRA PRASAD

Counsel for the Respondent No.1 & 2: GP FOR TRANSPORT

The Court made the following :

-
-
ORDER:-

Heard both the learned counsel. Petitioner herein who is owner of the vehicle in question filed this writ petition, inter alia, seeking to assail the order dated 30-9-1999 passed by the first respondent in refusing to renew the permit in his favour.

Learned counsel for the petitioner submits that though on the earlier occasion the offences have been compounded, yet the same is being made as a ground for refusal, which is not sustainable. Once an offence is compounded and extinguished, the same cannot be taken into consideration to renew the permit. However, the respondents are placing reliance thereon and refused to renew the permit.

Learned counsel for the respondents submitted that having regard to the nature of the offences committed earlier and also in view of the fact that the petitioner did not pay the tax and submit the record, rejected the application.

Considering the submissions made on either side and also on perusal of the material on record, it is seen that the principal ground on which the petitioner's request for renewal is rejected is the earlier offences. However, the fact remains all the said offences are compounded. It is now well established that when once the offence is compounded, conviction does not remain nor would it come in the way of seeking permit or renewal thereof. The entire basis on which the objection is raised on behalf of the respondents is unsustainable. Further, in regard to the payment of tax, learned counsel for the petitioner submits that he is prepared to pay the same the moment the renewal is given.

In view of the above, the writ petition is allowed and the impugned order is set aside. The respondents are directed to consider afresh the request of the petitioner for renewal of the permit subject to the condition of the petitioner paying tax and submitting the records. No costs.

22—07—2004.

Stv/-

To

- 1.The Presiding Officer, State Transport Appellate Tribunal, AP Hyderabad, City Civil Court Buildings, Hyderabad.
2. The Regional Transport Officer, Ananthapur.
- 3.Two CCs to GP for Transport, High Court buildings, Hyderabad (OUT)
- 4.Two CD copies.